

Kansas Supplement for Registered Technician Training In Category 7

The following Kansas Pesticide Laws and Regulations must be included in a registered technician training program. For businesses developing their own programs, this information is under # 26 State Pesticide Laws, on the *Category 7 Technician Training Checklist*.

The Kansas Laws and Regulations may be printed from the Kansas Department of Agriculture's web site: http://www.ksda.gov/pesticides_fertilizer/statutes/?id=48

Following Label Directions

2-2453 Unlawful acts. It shall be unlawful for any person to:

(a) Except as provided for in K.S.A. 2-2470, use pesticides in a manner which is inconsistent with such pesticide's label or labeling; or

(b) discard or store any pesticide or pesticide container in such a manner as to cause injury to humans, vegetation, crops, livestock, wildlife, pollinating insects or waterways and wildlife therein; or

(c) fail to comply with any other provision of this act or any rule or regulation adopted pursuant thereto.

2-2470 Allowable pesticide applications by the applicator.

Unless limited by K.S.A. 2-2471, the applicator may: (1) Apply a pesticide at any dosage, concentration or frequency less than that specified on the label or labeling; or (2) apply a pesticide against any target pest not specified on the labeling if the application is to the crop, animal or site specified on the labeling, and if the secretary has determined that the use of the pesticide against other pests would not cause an unreasonable effect on the environment.

Direct supervision

2-2440b Unlawful acts; pest control technician registration, requirements and fees (a) It shall be unlawful for any pesticide business licensee to apply pesticides for the control of wood destroying pests, structural pests, ornamental pests or turf pests unless the applicator of the pesticide is a certified commercial applicator or is a registered pest control technician, except that an uncertified commercial applicator may apply pesticides when either a certified applicator or registered pest control technician is **physically present**.

4-13-16 Supervision of uncertified applicators

An uncertified applicator of restricted use pesticides shall be considered to be under the supervision of a certified applicator when the certified applicator has provided the uncertified applicator with detailed instructions in the handling and application of the pesticide being used. The certified applicator shall be available to the uncertified applicator by telephone, 2-way radio or other comparable means of communication during the times the restricted use pesticide is being applied. The certified applicator shall be physically present when such presence is required by the pesticide label. The

certified applicator shall verify that the above requirements were met when requested to do so by the secretary or the secretary's authorized representative. Additionally, any uncertified applicator of restricted use pesticides, including registered pest control technicians, shall be considered to be under the supervision of a certified commercial applicator only if both individuals are stationed at and work from the same business address.

Termite Control Application Procedures and Definitions

4-13-1. Definitions.

(a) "Alternative treatment" means any method of pest control service performed for the purpose of controlling termites, other than those specified in subsections (b), (c), (d), (e), (g), and (h). This term shall include non-chemical methods of control and above-ground pesticide application.

(b) "Bait treatments" and "baiting system" mean the installation, servicing, and monitoring of termite bait stations and termite monitoring stations for the purpose of controlling termites within a structure. The placement of monitoring stations without a written agreement to periodically inspect the monitoring stations and replace monitoring stakes or other materials with a pesticide shall not constitute a bait treatment or baiting system.

(c)(1) "Complete soil treatment" and "complete treatment" mean a pesticide application to soil for the control of termites and shall include both of the following:

(A) Applying pesticide at the concentration, rate, and dosage required by the product labeling in such a manner that a chemical barrier is formed at all sites of potential termite entry into the structure from the soil, including the interior and exterior foundation walls and cross walls; the area around any support piers, expansion joints, and cracks in concrete slabs; any void areas in masonry elements; and any other structural components that extend below soil grade; and

(B) removing wood scrap, paper scrap, and all other cellulose-containing debris from any accessible areas of crawl spaces under buildings being treated.

(2) Applications to wooden construction elements, the use of baits, and the use of alternative methods of control shall not be represented as complete treatments.

(d) "Limited soil treatment" and "limited treatment" mean a pesticide application that is intended to provide protection from termite infestation to the entire structure, but is not designed to provide a continuous barrier of pesticide to the soil, including treating only the exterior perimeter of a slab structure.

(e) "Partial soil treatment" and "partial treatment" mean applications of pesticide for soil treatment that are not intended to provide protection from termite infestation for the entire structure treated.

- (f) "Restricted-use pesticide" means any pesticide product registered by the secretary under the provisions of the agricultural chemical act of 1947, K.S.A. 2-2204, and amendments thereto, that is labeled as a restricted-use pesticide by the federal agency responsible for the classification and that is designated as a restricted-use pesticide by the secretary.
- (g) "Spot treatment" means remedial applications of pesticide to control termites at a specific location within a structure that are not intended to control termites at any location beyond the treatment area.
- (h) "Wood treatment" means the application of pesticide to wooden structural components, including joints, voids, galleries, and chambers, that may be present within wooden construction elements.

4-13-7 Termite control application procedures

- (a) Except as provided in subsection (c), each structure shall be treated by applying pesticide at the rate, concentration, and dosage specified on the product label in a manner that provides wooden construction elements with protection from termites in the entire structure.
- (b) Wood, paper scrap, cardboard scrap, and other cellulose-containing debris shall be removed from any accessible crawl space under the building to be treated.
- (c) An application procedure different from that required by subsection (a) may be employed by a certified applicator. When a different application procedure is used, the pest control operator shall furnish adequate control and shall state on the required written statement the application procedure used. These methods of control shall be requested or agreed to by the customer in writing before completion of application. The applicator shall state, on the required statement of services and diagram, the application procedures used and how the procedures differ from the requirements of subsection (a).

4-13-26. Preconstruction application of pesticide for termite control. In addition to the requirements of the label, each preconstruction application of pesticide for the control of termites shall consist of establishing both horizontal and vertical chemical barriers, as specified in this regulation.

(a) Horizontal chemical barriers shall be established in areas intended to be covered, including the soil beneath slab floors and porches, footing trenches for monolithic slabs, and the soil beneath stairs.

(b) Vertical chemical barriers shall be established in the soil around the base of foundations, plumbing fixtures, foundation walls, support piers, and voids in masonry, and any other critical areas where structural components extend below grade.

Requirements for Statements of Services for Kansas Pesticide

Business Licensees K.S.A. 2-2455 and K.A.R. 4-13-4a See handout

Contact the Kansas Department of Agriculture at (785) 296-2265 with any questions.